

DETAILED ACTION

This Election/Restrictions is repeated from the previous office action

- Applicant's election without traverse of (claims 1,2,6(Group I)) in Paper No. date 8-30-07 is acknowledged.

Claim(s) 3-5 is (are) withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected Groups II and III, there being no allowable generic or linking claim.

- The requirement is deemed proper and is therefore made FINAL

Drawings

- The drawings are objected to because the cross-hatching is improper. See MPEP 608.02.

For example, portions of the drawings in section and made of an insulated material must be crosshatched with alternating thick and thin lines, not with just thin lines. The cover 16 is seen to be made from insulated material. Insulated material is required to prevent electrical shock from the contact 22 to any person near the tailgate when the tailgate is in the down or open position.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless ---

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**** The following claim(s) is/are rejected under 35 U.S.C. 102(b) as being anticipated by Stowers et al. (5936421; herein referred to as ss).**

In reference to Claim(s) 1 and 6, ss shows a female housing 414 (figure 33) having a contact 408 (figure 33) , a male housing (320, 370), distal end (near the lead line of numeral 330, fig 20) , a contact 358' (figures 33) , a shroud (300 or 370) and a lip (near the lead line of numeral 370 fig 33) , the shroud movable between the two claimed positions, when in the retracted) position the electrical contact of the male housing is exposed (figures 33) to meet the functional requirement of to permit conductive contact.

In reference to Claim(s) 2, ss shows applicant's claimed structure.

**** The following claim(s) is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (5490790; herein referred to as oo) in view of ss.**

In reference to Claim(s) 1 and 6, oo shows (figure 2) a female housing 110 with a female contact 4, a male housing 120 having a distal end (near the lead line of numeral 14 (figure 2)) and a male contact 14, a shroud 20. Also note that male structure 11 (figure 6) goes into the mating groove on female housing 110 (figure 1 and figure 4).

However, oo does not show the lip.

It is known in the art to use lips to restrain a shroud. Ss is an example within the art that a lip (near the lead line of numeral 370 (figure 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made and having access to the references to be able modify the reference(s) to utilize the lip teachings of ss.

The rationale for such a rejection is that one skilled in the art could have combined the known elements and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

In reference to Claim(s) 2, oo shows the shroud 20 (figure 2) functions as claimed.

Response to Arguments

-- Applicant's arguments filed in response to the previous office action have been considered, but they are moot in view of the new grounds of rejection.

Conclusion

- This application contains claims drawn to an invention nonelected with traverse in Papers dated 8-30-07. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
- Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

jrh

/James Harvey/
James Harvey
Primary Examiner